

STATEMENT OF PURPOSE

RS20199

The purpose of this legislation is to provide a time frame under which HIV testing may be performed on individuals charged with sex offenses. Idaho Code Section 39-604 currently provides that all persons who are charged with any crime in which body fluid has likely been transmitted to another shall be tested for the presence of HIV antibodies or antigens, for hepatitis C virus and for hepatitis B virus.

The Idaho Supreme Court, Payette County, Ada County, City of Nampa, each received a federal Grant to Encourage Arrest Policies (now known as Community Defined Solutions Grants) awarded by the U.S. Department of Justice Office, on Violence Against Women. The grant awards are used by the entities to fund desperately needed domestic violence projects.

Special Condition No. 22 of the Grant provides that 5% of the award will be withheld unless, the State or the respective units of local government have a law or regulation that allows the victim of a crime involving forced sexual activity to request that an HIV test be administered not later than 48 hours after the date on which the crime is charged.

Although Idaho Code Section 39-604 provides for HIV testing, there is no time parameter regarding when the test has to be performed nor is there a provision allowing the victim to request that the HIV test be administered within the required 48 hours.

Unless the statute is modified, each grant recipient will lose 5% of its grant award. Additionally, this is a statewide issue of significant importance. Any other Idaho entities that apply for and are awarded a Community Defined Solutions Grant will be faced with losing 5% of their grant award.

This legislation would satisfy the Grant's Special Condition No. 22 and prevent the loss of 5% of each recipient's grant award.

FISCAL NOTE

There is no fiscal impact to the General Fund. Failure to amend the law could impact whether any Idaho entities are awarded the grant in the future. Were additional grants awarded to Idaho entities, such recipients would lose 5% of their grant awards.

Contact:

Name: Rep Brent Crane / Sen Patti Anne Lodge

Office:

Phone: (208) 332-1000